



# House of Representatives

General Assembly

**File No. 506**

*January Session, 2005*

Substitute House Bill No. 6570

*House of Representatives, April 25, 2005*

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-23 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) (1) At least once every ten years, the commission shall prepare or  
4 amend and shall adopt a plan of conservation and development for the  
5 municipality. Following adoption, the commission shall regularly  
6 review and maintain such plan. The commission may adopt such  
7 geographical, functional or other amendments to the plan or parts of  
8 the plan, in accordance with the provisions of this section, as it deems  
9 necessary. The commission may, at any time, prepare, amend and  
10 adopt plans for the redevelopment and improvement of districts or  
11 neighborhoods which, in its judgment, contain special problems or  
12 opportunities or show a trend toward lower land values.

13       (2) If a plan is not amended decennially, the chief elected official of  
14 the municipality shall submit a letter to the Secretary of the Office of  
15 Policy and Management and the Commissioners of Transportation,  
16 Environmental Protection and Economic and Community  
17 Development that explains why such plan was not amended. Until the  
18 plan is amended in accordance with this subsection, a copy of such  
19 letter shall be included in each application by the municipality for  
20 funding for the conservation or development of real property  
21 submitted to said secretary or commissioners.

22       (b) In the preparation of such plan, the commission may appoint  
23 one or more special committees to develop and make  
24 recommendations for the plan. The membership of any special  
25 committee may include: Residents of the municipality and  
26 representatives of local boards dealing with zoning, inland wetlands,  
27 conservation, recreation, education, public works, finance,  
28 redevelopment, general government and other municipal functions. In  
29 performing its duties under this section, the commission or any special  
30 committee may accept information from any source or solicit input  
31 from any organization or individual. The commission or any special  
32 committee may hold public informational meetings or organize other  
33 activities to inform residents about the process of preparing the plan.

34       (c) In preparing such plan, the commission or any special committee  
35 shall consider the following: (1) The community development action  
36 plan of the municipality, if any, (2) the need for affordable housing, (3)  
37 the need for protection of existing and potential public surface and  
38 ground drinking water supplies, (4) the use of cluster development  
39 and other development patterns to the extent consistent with soil  
40 types, terrain and infrastructure capacity within the municipality, (5)  
41 the state plan of conservation and development adopted pursuant to  
42 chapter 297, (6) the regional plan of development adopted pursuant to  
43 section 8-35a, as amended by this act, (7) physical, social, economic  
44 and governmental conditions and trends, (8) the needs of the  
45 municipality including, but not limited to, human resources,  
46 education, health, housing, recreation, social services, public utilities,

47 public protection, transportation and circulation and cultural and  
48 interpersonal communications, [and] (9) the objectives of energy-  
49 efficient patterns of development, the use of solar and other renewable  
50 forms of energy and energy conservation, and (10) protection and  
51 preservation of agriculture.

52 (d) (1) Such plan of conservation and development shall (A) be a  
53 statement of policies, goals and standards for the physical and  
54 economic development of the municipality, (B) provide for a system of  
55 principal thoroughfares, parkways, bridges, streets, sidewalks,  
56 multipurpose trails and other public ways as appropriate, (C) be  
57 designed to promote, with the greatest efficiency and economy, the  
58 coordinated development of the municipality and the general welfare  
59 and prosperity of its people and identify areas where it is feasible and  
60 prudent (i) to have compact, transit accessible, pedestrian-oriented  
61 mixed use development patterns and land reuse, and (ii) to promote  
62 such development patterns land and reuse, [(C)] (D) recommend the  
63 most desirable use of land within the municipality for residential,  
64 recreational, commercial, industrial, conservation and other purposes  
65 and include a map showing such proposed land uses, [(D)] (E)  
66 recommend the most desirable density of population in the several  
67 parts of the municipality, [(E)] (F) note any inconsistencies [it may  
68 have with the state plan of conservation and development adopted  
69 pursuant to chapter 297, (F)] with the following growth management  
70 principles: (i) Redevelopment and revitalization of commercial centers  
71 and areas of mixed land uses with existing or planned physical  
72 infrastructure; (ii) expansion of housing opportunities and design  
73 choices to accommodate a variety of household types and needs; (iii)  
74 concentration of development around transportation nodes and along  
75 major transportation corridors to support the viability of  
76 transportation options and land reuse; (iv) conservation and  
77 restoration of the natural environment, cultural and historical  
78 resources and existing farmlands; (v) protection of environmental  
79 assets critical to public health and safety; and (vi) integration of  
80 planning across all levels of government to address issues on a local,  
81 regional and state-wide basis, provided any inconsistencies with such

82 growth management principles or with any state or regional plan of  
83 conservation and development shall not be cause for denial of any  
84 environmental permit issued by the state, (G) make provision for the  
85 development of housing opportunities, including opportunities for  
86 multifamily dwellings, consistent with soil types, terrain and  
87 infrastructure capacity, for all residents of the municipality and the  
88 planning region in which the municipality is located, as designated by  
89 the Secretary of the Office of Policy and Management under section  
90 16a-4a, [(G)] (H) promote housing choice and economic diversity in  
91 housing, including housing for both low and moderate income  
92 households, and encourage the development of housing which will  
93 meet the housing needs identified in the housing plan prepared  
94 pursuant to section 8-37t and in the housing component and the other  
95 components of the state plan of conservation and development  
96 prepared pursuant to chapter 297. In preparing such plan the  
97 commission shall consider focusing development and revitalization in  
98 areas with existing or planned physical infrastructure.

99 (2) For any municipality that is contiguous to Long Island Sound,  
100 such plan shall be (A) consistent with the municipal coastal program  
101 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with  
102 reasonable consideration for restoration and protection of the  
103 ecosystem and habitat of Long Island Sound, and (C) designed to  
104 reduce hypoxia, pathogens, toxic contaminants and floatable debris in  
105 Long Island Sound.

106 (e) Such plan may show the commission's and any special  
107 committee's recommendation for (1) conservation and preservation of  
108 traprock and other ridgelines, (2) [a system of principal thoroughfares,  
109 parkways, bridges, streets and other public ways, (3)] airports, parks,  
110 playgrounds and other public grounds, [(4)] (3) the general location,  
111 relocation and improvement of schools and other public buildings,  
112 [(5)] (4) the general location and extent of public utilities and terminals,  
113 whether publicly or privately owned, for water, sewerage, light,  
114 power, transit and other purposes, [(6)] (5) the extent and location of  
115 public housing projects, [(7)] (6) programs for the implementation of

116 the plan, including (A) a schedule, (B) a budget for public capital  
117 projects, (C) a program for enactment and enforcement of zoning and  
118 subdivision controls, building and housing codes and safety  
119 regulations, (D) plans for implementation of affordable housing, [and]  
120 (E) plans for open space acquisition and greenways protection and  
121 development, and (F) plans for corridor management areas along  
122 limited access highways or rail lines, designated under section 16a-27,  
123 as amended by this act, (7) proposed priority funding areas, and (8)  
124 any other recommendations as will, in the commission's or any special  
125 committee's judgment, be beneficial to the municipality. The plan may  
126 include any necessary and related maps, explanatory material,  
127 photographs, charts or other pertinent data and information relative to  
128 the past, present and future trends of the municipality.

129 (f) A plan of conservation and development or any part thereof or  
130 amendment thereto prepared by the commission or any special  
131 committee shall be reviewed, and may be amended, by the  
132 commission prior to scheduling at least one public hearing on  
133 adoption. [At least sixty-five days prior to the public hearing on  
134 adoption, the commission shall submit a copy of such plan or part  
135 thereof or amendment thereto for review and comment to the  
136 legislative body. Such body may hold one or more hearings on the  
137 proposed plan and shall submit any comments to the commission  
138 prior to the public hearing on adoption. The failure of such body to  
139 report prior to or at the public hearing shall be taken as approval of the  
140 plan.] At least [sixty-five] thirty-five days prior to the public hearing  
141 on adoption, the commission shall post the draft plan on the Internet  
142 web site of the municipality, if any, and submit a copy of such draft  
143 plan to the regional planning agency for review and comment. The  
144 regional planning agency shall [report] submit an advisory report  
145 along with its comments to the commission at or before the hearing.  
146 [The failure of the regional planning agency to report at or before the  
147 hearing shall be taken as approval of the plan. The report of the  
148 regional planning agency shall be advisory.] Such comments shall  
149 include a finding on the consistency of the draft plan with (1) the  
150 regional plan of development, adopted under section 8-35a, as

151 amended by this act, (2) the state plan of conservation and  
152 development, adopted pursuant to chapter 297, and (3) the plans of  
153 conservation and development of other municipalities in the area of  
154 operation of the regional planning agency. The commission may revise  
155 the draft plan in accordance with the report of the regional planning  
156 agency. The commission may render a decision on the plan without  
157 the report of the regional planning agency. Prior to the public hearing  
158 on adoption, the commission shall file in the office of the town clerk a  
159 copy of such draft plan or part thereof or amendment thereto but, in  
160 the case of a district commission, such commission shall file such  
161 information in the offices of both the district clerk and the town clerk.  
162 The commission shall cause to be published in a newspaper having a  
163 general circulation in the municipality, at least twice at intervals of not  
164 less than two days, the first not more than fifteen days, or less than ten  
165 days, and the last not less than two days prior to the date of each such  
166 hearing, notice of the time and place of any such public hearing. Such  
167 notice shall make reference to the filing of such draft plan in the office  
168 of the town clerk, or both the district clerk and the town clerk, as the  
169 case may be. After completion of the public hearing, the commission  
170 may revise the draft plan. The proposed final plan shall be submitted  
171 to the legislative body for its endorsement. The legislative body shall  
172 endorse or reject the entire proposed final plan or parts thereof and  
173 may submit comments and recommended changes to the commission.  
174 In the case of a municipality in which the legislative body is a town  
175 meeting, the proposed final plan shall be submitted to the board of  
176 selectmen. The board may conduct a public hearing on such plan. Not  
177 more than forty-five days after receipt of the plan by the board of  
178 selectmen, the entire proposed final plan or parts thereof may be  
179 endorsed or rejected at a town meeting and such town meeting may  
180 submit comments and recommended changes to the commission.

181 (g) The commission may adopt the plan or any part thereof or  
182 amendment thereto by a single resolution or may, by successive  
183 resolutions, adopt parts of the plan and amendments thereto. Any  
184 plan, section of a plan or recommendation in the plan, not endorsed by  
185 the legislative body of the municipality may be adopted by the

186 commission by a vote of not less than two-thirds of all the members of  
187 the commission. Upon adoption by the commission, any plan or part  
188 thereof or amendment thereto shall become effective at a time  
189 established by the commission, provided notice thereof shall be  
190 published in a newspaper having a general circulation in the  
191 municipality prior to such effective date. Any plan or part thereof or  
192 amendment thereto shall be posted on the Internet web site of the  
193 municipality, if any, and shall be filed in the office of the town clerk,  
194 except that, if it is a district plan or amendment, it shall be filed in the  
195 offices of both the district and town clerks. The commission shall  
196 notify the Secretary of the Office of Policy and Management of any  
197 inconsistency between the plan adopted by the commission and the  
198 state plan of conservation and development and the reasons therefor.

199 [(h) Following adoption of a new plan by the commission, the  
200 legislative body of any municipality may hold one or more hearings on  
201 the proposed plan and, by resolution, may endorse the plan for the  
202 municipality.]

203 (h) Any owner or tenant, or authorized agent of such owner or  
204 tenant, of real property or buildings thereon located in the  
205 municipality may submit a proposal to the commission requesting a  
206 change to the plan of conservation and development. Such proposal  
207 shall be submitted in writing and on a form prescribed by the  
208 commission. Notwithstanding the provisions of subsection (a) of  
209 section 8-7d, the commission shall determine if a public hearing shall  
210 be held on the proposal not less than thirty-five days after submission  
211 of such proposal. The commission shall hold a public hearing on such  
212 proposal if it determines that such hearing is in the public interest.  
213 Except as provided in this section, any public hearing and decision  
214 shall be in accordance with the periods of time permitted under section  
215 8-7d. The commission shall approve, deny or modify the proposal.  
216 Notwithstanding the provisions of this section, if the commission  
217 determines, at any time after the proposal is received, that such  
218 proposal would require changes to the plan of conservation and  
219 development that would be a significant change to the policies and

220 goals of the plan of conservation and development, the commission  
221 shall consider the proposal in accordance with the provisions of  
222 subsection (f) of this section.

223       Sec. 2. Section 8-35a of the general statutes is repealed and the  
224 following is substituted in lieu thereof (*Effective July 1, 2005*):

225       (a) [Each] At least once every ten years, each regional planning  
226 agency shall make a plan of development for its area of operation,  
227 showing its recommendations for the general use of the area including  
228 land use, housing, principal highways and freeways, bridges, airports,  
229 parks, playgrounds, recreational areas, schools, public institutions,  
230 public utilities, agriculture and such other matters as, in the opinion of  
231 the agency, will be beneficial to the area. Any regional plan so  
232 developed shall be based on studies of physical, social, economic and  
233 governmental conditions and trends and shall be designed to promote  
234 with the greatest efficiency and economy the coordinated development  
235 of its area of operation and the general welfare and prosperity of its  
236 people. Such plan may encourage energy-efficient patterns of  
237 development, the use of solar and other renewable forms of energy,  
238 and energy conservation. Such plan shall be designed to promote  
239 abatement of the pollution of the waters and air of the region. The  
240 regional plan shall identify areas where it is feasible and prudent (1) to  
241 have compact, transit accessible, pedestrian-oriented mixed use  
242 development patterns and land reuse, and (2) to promote such  
243 development patterns and land reuse and shall note any  
244 inconsistencies with the following growth management principles: (A)  
245 Redevelopment and revitalization of regional centers and areas of  
246 mixed land uses with existing or planned physical infrastructure; (B)  
247 expansion of housing opportunities and design choices to  
248 accommodate a variety of household types and needs; (C)  
249 concentration of development around transportation nodes and along  
250 major transportation corridors to support the viability of  
251 transportation options and land reuse; (D) conservation and  
252 restoration of the natural environment, cultural and historical  
253 resources and traditional rural lands; (E) protection of environmental



254 assets critical to public health and safety; and (F) integration of  
255 planning across all levels of government to address issues on a local,  
256 regional and state-wide basis. The plan of each region contiguous to  
257 Long Island Sound shall be designed to reduce hypoxia, pathogens,  
258 toxic contaminants and floatable debris in Long Island Sound.

259 (b) Before adopting the regional plan of development or any part  
260 thereof or amendment thereto the agency shall hold at least one public  
261 hearing thereon, notice of the time, place and subject of which shall be  
262 given in writing to the chief executive officer and planning  
263 commission, where one exists, of each member town, city or borough,  
264 [ and to the Secretary of the Office of Policy and Management, or his  
265 designee.] Notice of the time, place and subject of such hearing shall be  
266 published once in a newspaper having a substantial circulation in the  
267 region. At least sixty-five days before the public hearing the regional  
268 planning agency shall post the plan on the Internet web site of the  
269 agency, if any, and submit the plan to the Secretary of the Office of  
270 Policy and Management for findings in the form of comments and  
271 recommendations. Such findings shall include a review of the plan to  
272 determine if the proposed regional plan of development is not  
273 inconsistent with the state plan of conservation and development. Such  
274 notices shall be given not more than twenty days nor less than ten days  
275 before such hearing. The regional planning agency shall note on the  
276 record any inconsistency with the state plan of conservation and  
277 development and the reasons for such inconsistency. Adoption of the  
278 plan or part thereof or amendment thereto shall be made by the  
279 affirmative vote of not less than a majority of the representatives on  
280 the agency. [A] The plan shall be posted on the Internet web site of the  
281 agency, if any, and a copy of the plan or of any amendments thereto,  
282 signed by the chairman of the agency, shall be transmitted to the chief  
283 executive officers, the town, city or borough clerks, as the case may be,  
284 and to planning commissions, if any, in member towns, cities or  
285 boroughs, and to the Secretary of the Office of Policy and  
286 Management, or his designee. The regional planning agency shall  
287 notify the Secretary of the Office of Policy and Management of any  
288 inconsistency with the state plan of conservation and development and

289 the reasons therefor.

290 (c) The regional planning agency shall revise the plan of  
291 development not more than three years after the effective date of this  
292 section.

293 (d) The regional planning agency shall assist municipalities within  
294 its region and state agencies and may assist other public and private  
295 agencies in developing and carrying out any regional plan or plans of  
296 such regional planning agency. The regional planning agency may  
297 provide administrative, management, technical or planning assistance  
298 to municipalities within its region and other public agencies under  
299 such terms as it may determine, provided, prior to entering into an  
300 agreement for assistance to any municipality or other public agency,  
301 the regional planning agency shall have adopted a policy governing  
302 such assistance. The regional planning agency may be compensated by  
303 the municipality or other public agency with which an agreement for  
304 assistance has been made for all or part of the cost of such assistance.

305 Sec. 3. Section 16a-27 of the general statutes is repealed and the  
306 following is substituted in lieu thereof (*Effective July 1, 2005*):

307 (a) The secretary, after consultation with all appropriate state,  
308 regional and local agencies and other appropriate persons shall prior  
309 to March 1, 2003, complete a revision of the existing plan and enlarge it  
310 to include, but not be limited to, policies relating to transportation,  
311 energy and air. Any revision made after May 15, 1991, shall identify  
312 the major transportation proposals, including proposals for mass  
313 transit, contained in the master transportation plan prepared pursuant  
314 to section 13b-15. Any revision made after July 1, 1995, shall take into  
315 consideration the conservation and development of greenways that  
316 have been designated by municipalities and shall recommend that  
317 state agencies coordinate their efforts to support the development of a  
318 state-wide greenways system. The Commissioner of Environmental  
319 Protection shall identify state-owned land for inclusion in the plan as  
320 potential components of a state greenways system.

321 (b) Any revision made after August 20, 2003, shall take into account  
322 (1) economic and community development needs and patterns of  
323 commerce, and (2) linkages of affordable housing objectives and land  
324 use objectives with transportation systems.

325 (c) Any revision made after March 1, 2006, shall (1) take into  
326 consideration risks associated with natural hazards, including, but not  
327 limited to, flooding, high winds and wildfires; (2) identify the potential  
328 impacts of natural hazards on infrastructure and property; and (3)  
329 make recommendations for the siting of future infrastructure and  
330 property development to minimize the use of areas prone to natural  
331 hazards, including, but not limited to, flooding, high winds and  
332 wildfires.

333 (d) Any revision after July 1, 2005, shall describe the progress  
334 towards achievement of the goals and objectives established in the  
335 previously adopted state plan of conservation and development and  
336 shall identify (1) areas where it is prudent and feasible (A) to have  
337 compact, transit accessible, pedestrian-oriented mixed-use  
338 development patterns and land reuse, and (B) to promote such  
339 development patterns and land reuse, (2) priority funding areas  
340 designated under section 5 of this act, and (3) corridor management  
341 areas on either side of a limited access highway or a rail line. In  
342 designating corridor management areas, the secretary shall make  
343 recommendations that (A) promote land use and transportation  
344 options to reduce the growth of traffic congestion; (B) connect  
345 infrastructure and other development decisions; (C) promote  
346 development that minimizes the cost of new infrastructure facilities  
347 and maximizes the use of existing infrastructure facilities; and (D)  
348 increase intermunicipal and regional cooperation.

349 ~~[(d)]~~ (e) Thereafter on or before March first in each revision year the  
350 secretary shall complete a revision of the plan of conservation and  
351 development.

352 Sec. 4. Section 16a-28 of the general statutes is repealed and the  
353 following is substituted in lieu thereof (*Effective July 1, 2005*):

354 (a) The secretary shall present a draft of the revised plan of  
355 conservation and development for preliminary review to the  
356 continuing legislative committee on state planning and development  
357 prior to September first in 2002 and prior to September first in each  
358 prerevision year thereafter.

359 (b) After December first in 1985 and after December first in each  
360 prerevision year thereafter the secretary shall proceed with such  
361 further revisions of the draft of the revised plan of conservation and  
362 development as he deems appropriate. The secretary shall, by  
363 whatever means he deems advisable, publish said plan and  
364 disseminate it to the public on or before March first in revision years.  
365 The secretary shall post the plan on the Internet web site of the state.

366 (c) Within five months of publication of said revised plan the  
367 secretary shall hold public hearings, in cooperation with regional  
368 planning agencies, to solicit comments on said plan.

369 Sec. 5. (NEW) (*Effective July 1, 2005*) (a) As used in this section and  
370 sections 6 to 9, inclusive:

371 (1) "Funding" includes any form of assurance, guarantee, grant  
372 payment, credit, tax credit or other assistance, including a loan, loan  
373 guarantee, or reduction in the principal obligation of or rate of interest  
374 payable on a loan or a portion of a loan;

375 (2) "Growth-related project" means any project which includes (A)  
376 the acquisition of real property when the acquisition costs are in excess  
377 of one hundred thousand dollars, except the acquisition of open space  
378 for the purposes of conservation or preservation; (B) the development  
379 or improvement of real property when the development costs are in  
380 excess of one hundred thousand dollars; (C) the acquisition of public  
381 transportation equipment or facilities when the acquisition costs are in  
382 excess of one hundred thousand dollars; or (D) the authorization of  
383 each state grant, any application for which is not pending on July 1,  
384 2006, for an amount in excess of one hundred thousand dollars, for the  
385 acquisition or development or improvement of real property or for the

386 acquisition of public transportation equipment or facilities, except the  
387 following: (i) Projects for maintenance, repair, additions or renovations  
388 to existing facilities, acquisition of land for telecommunications towers  
389 whose primary purpose is public safety, parks, conservation and open  
390 space, and acquisition of agricultural, conservation and historic  
391 easements; (ii) funding by the Department of Economic and  
392 Community Development for any project financed with federal funds  
393 used to purchase or rehabilitate existing single or multi-family housing  
394 or projects financed with the proceeds of revenue bonds if the  
395 Commissioner of Economic and Community Development determines  
396 that application of this section and sections 6 and 7 of this act (I)  
397 conflicts with any provision of federal or state law applicable to the  
398 issuance or tax-exempt status of the bonds or any provision of any  
399 trust agreement between the Department of Economic and  
400 Community Development and any trustee, or (II) would otherwise  
401 prohibit financing of an existing project or financing provided to cure  
402 or prevent any default under existing financing; (iii) projects that the  
403 Commissioner of Economic and Community Development determines  
404 promote fair housing choice and racial and economic integration as  
405 described in section 8-37cc of the general statutes; (iv) projects at an  
406 existing facility needed to comply with state environmental or health;  
407 (v) school construction projects funded by the Department of  
408 Education under chapter 173 of the general statute; and (vi) any other  
409 project, funding or other state assistance not included under  
410 subparagraphs (A) to (D), inclusive, of this subdivision.

411 (3) "Priority funding area" means the area of the state designated  
412 under subsection (b) of this section.

413 (b) The Secretary of the Office of Policy and Management, in  
414 consultation with the Commissioners of Economic and Community  
415 Development, Environmental Protection, Public Works, Agriculture,  
416 Transportation and regional planning agencies shall develop  
417 recommendations for delineation of the boundaries of priority funding  
418 areas in the state and for revisions thereafter. In making such  
419 recommendations the secretary shall consider areas designated as

420 regional centers, growth areas, neighborhood conservation areas and  
421 rural community centers on the state plan of conservation and  
422 development, redevelopment areas, distressed municipalities, as  
423 defined in section 32-9p of the general statutes; targeted investment  
424 communities, as defined in section 32-222 of the general statutes;  
425 public investment communities, as defined in section 7-545 of the  
426 general statutes, enterprise zones, designated by the Commissioner of  
427 Economic and Community Development under section 32-70 of the  
428 general statutes and corridor management areas identified in the state  
429 plan of conservation and development. The secretary shall submit the  
430 recommendations to the Continuing Legislative Committee on State  
431 Planning and Development established pursuant to section 4-60d of  
432 the general statutes for review when the state plan of conservation and  
433 development is submitted to such committee in accordance with  
434 section 16a-29 of the general statutes. The committee shall report its  
435 recommendations to the General Assembly at the time said state plan  
436 is submitted to the General Assembly under section 16a-30 of the  
437 general statutes. The boundaries shall become effective upon approval  
438 of the General Assembly.

439       Sec. 6. (NEW) (*Effective July 1, 2005*) (a) On and after the approval of  
440 the General Assembly of the boundaries of priority funding areas  
441 under section 5 of this act, no state agency, department or institution  
442 shall provide funding for a growth-related project unless such project  
443 is located in a priority funding area.

444       (b) Notwithstanding the provisions of subsection (a) of this section,  
445 the head of a state department, agency or institution, with the approval  
446 of the Secretary of the Office of Policy and Management, may provide  
447 funding for a growth-related project that is not located in a priority  
448 funding area upon determination that such project is consistent with  
449 the plan of conservation and development, adopted under section 8-23  
450 of the general statutes, as amended by this act, of the municipality in  
451 which such project is located and that such project (1) enhances other  
452 activities targeted by state agencies, departments and institutions to a  
453 municipality within the priority funding area, (2) is located in a

454 distressed municipality, as defined in section 32-9 of the general  
455 statutes, targeted investment community, as defined in section 32-222  
456 of the general statutes, or public investment community, as defined in  
457 section 7-545 of the general statutes, (3) supports existing  
458 neighborhoods or communities, (4) promotes the use of mass transit,  
459 (5) provides for compact, transit accessible, pedestrian-oriented mixed  
460 use development patterns and land reuse and promotes such  
461 development patterns and land reuse, (6) creates an extreme inequity,  
462 hardship or disadvantage that clearly outweighs the benefits of  
463 locating the project in a priority funding area if such project were not  
464 funded, (7) has no reasonable alternative for the project in a priority  
465 funding area in another location, (8) must be located away from other  
466 developments due to its operation or physical characteristics, or (9) is  
467 for the reuse or redevelopment of an existing site.

468 (c) Not more than one year after the designation of priority funding  
469 areas, and annually thereafter, each department, agency or institution  
470 shall prepare a report that describes grants made under subsection (b)  
471 of this section and the reasons therefor.

472 Sec. 7. (*Effective July 1, 2005*) On and after the approval of the  
473 General Assembly of the boundaries of priority funding areas  
474 pursuant to section 5 of this act, each state agency, department or  
475 institution shall cooperate with municipalities to ensure that programs  
476 and activities in rural areas sustain village character.

477 Sec. 8. (NEW) (*Effective July 1, 2005*) On and after the approval of the  
478 General Assembly of the boundaries of priority funding areas under  
479 section 5 of this act, each state agency and department shall review  
480 regulations adopted in accordance with the provisions of chapter 54 of  
481 the general statutes and modify such regulations to carry out the  
482 purpose of coordinated management of growth-related projects in  
483 priority funding areas.

484 Sec. 9. (NEW) (*Effective July 1, 2005*) The Office of Policy and  
485 Management, within available appropriations, shall coordinate review  
486 of federal projects in relation to their location in priority funding areas

487 to encourage location in urban areas pursuant to the provisions of  
488 Federal Executive Order 12072-Federal Space Management.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	8-23
Sec. 2	<i>July 1, 2005</i>	8-35a
Sec. 3	<i>July 1, 2005</i>	16a-27
Sec. 4	<i>July 1, 2005</i>	16a-28
Sec. 5	<i>July 1, 2005</i>	New section
Sec. 6	<i>July 1, 2005</i>	New section
Sec. 7	<i>July 1, 2005</i>	New section
Sec. 8	<i>July 1, 2005</i>	New section
Sec. 9	<i>July 1, 2005</i>	New section

**ENV**      *Joint Favorable Subst.*



The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>Future Years</b>
Policy & Mgmt., Off.	GF - Cost	Potential Minimal
Department of Agriculture; Department of Economic & Community Development; Department of Environmental Protection	GF	See Below

Note: GF=General Fund

#### ***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 06 \$</b>	<b>FY 07 \$</b>
Various Municipalities	See Below	See Below	See Below

### ***Explanation***

The bill adds certain factors that the Office of Policy and Management (OPM) must consider when it revises the State's Conservation and Development Plan, and to make the draft and adopted plan available on its website, which results in no additional fiscal impact on the agency. Beginning in 2010 the bill requires OPM to consult with various parties and recommend geographic areas to be designated Priority Funding Areas. OPM may incur future costs to designate these priority funding areas. The bill requires OPM, within available appropriations, to encourage federal agencies to locate in urban Priority Funding Areas.

Any consultations or collaborations required by the Departments of Economic and Community Development (DECD), Environmental Protection (DEP), or Agriculture in developing recommendations for setting of the boundaries of priority funding can be handled within the routine duties of the agencies.

Requiring the review and modification of regulations to carry out the purpose of coordinated management of growth related projects in priority funding areas would increase costs to the DEP. Depending upon the complexity of the impacted regulations and the number impacted, costs could exceed \$100, 000. It is also anticipated that DECD would incur minimal costs of approximately \$5,000 for this process.

***Municipal***

The bill requires local and regional planning agencies (RPAs) to consider additional factors when revising their plans of conservation and development, which must be revised by July 1, 2008. Additionally, the bill requires regional planning agencies to determine whether it is prudent and feasible to have mixed use development patterns and determine whether the plan is consistent with the state plan of conservation and development. This is not anticipated to result in a fiscal impact to municipalities. The bill requires municipalities that have a website to post the plan on its website at least 65 days prior to the hearing, which results in no fiscal impact.

Implementation of the priority funding areas could divert grant funds from one municipality to another. The exact impact is not known.

**OLR Bill Analysis**

sHB 6570

**AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT****SUMMARY:**

This bill makes many changes in the requirements and processes for preparing state, regional, and local land-use plans. It requires the State Plan of Conservation and Development (Plan of C&D) to identify areas suitable for mixed-use developments and target development funding. It requires regional planning agencies (RPAs) to revise their existing plans of development by July 1, 2008 and at least once every 10 years. It modifies the process for adopting these plans and requires them to (1) identify any inconsistencies with six growth management principles, which are included in the current draft state Plan of C&D and (2) note on the record any inconsistencies with that plan and the reasons for them. It expands the contents of local plans of C&D, requires them to address the same six principles, modifies the process for adopting the plans, and establishes a process under which anyone may request plan changes.

The bill establishes a process for the Office of Policy and Management (OPM) to designate priority funding areas, subject to legislative approval. It generally restricts state funding for growth-related projects to such areas and establishes new criteria for targeting state funding for such projects.

Finally, the bill requires the OPM secretary, within available funds, to coordinate the review of federal projects in relation to their location in priority funding areas to encourage the siting of these projects in urban areas in accordance with a federal executive order.

EFFECTIVE DATE: July 1, 2005

**STATE PLAN OF C&D**

The law requires OPM to prepare the state Plan of C&D for legislative approval every five years. The bill requires that future plans describe

the progress made in achieving the goals and objectives of the last plan. Future plans must also identify:

1. areas where it is prudent and feasible to have mixed-use development patterns and land reuse that is compact, accessible to transit, and pedestrian-oriented and promote such patterns and reuse;
2. priority funding areas (described below); and
3. corridor management areas on either side of a limited-access highway or a rail line.

In designating corridor management areas, the OPM secretary must make recommendations that:

1. promote land-use and transportation options to reduce the growth of traffic congestion,
2. connect infrastructure and other development decisions,
3. promote development that minimizes the cost of new infrastructure facilities and maximizes the use of existing facilities, and
4. increase intermunicipal and regional cooperation.

The bill requires that the secretary post the draft and adopted plans on the state website.

## **REGIONAL PLANS OF DEVELOPMENT**

The law requires each RPA to adopt a plan of development but sets no timeframe for doing so. The bill requires that they do so at least once every 10 years. It also requires RPAs to revise their existing plans by July 1, 2008. The bill requires the plan to identify areas where it is prudent and feasible to have mixed-use development patterns and land reuse that is compact, accessible to transit, and pedestrian-oriented and promote such patterns and reuse. It also requires the plan to identify any inconsistencies with the following growth management principles:

1. redevelop and revitalize regional centers and areas of mixed-land

- uses with existing or planned physical infrastructure;
2. expand housing opportunities and design choices to accommodate a variety of household types and needs;
  3. concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse;
  4. conserve and restore the natural environment, cultural and historical resources, and traditional rural lands;
  5. protect environmental assets critical to public health and safety; and
  6. integrate planning across all levels of government to address issues on a local, regional, and statewide basis.

The bill also requires that the plan include the RPAs' recommendations for the use of land for agriculture.

By law, the RPA must hold a public hearing on its draft plan. The bill requires that the RPA post the plan on its website (if there is one) at least 65 days before the hearing. It requires the RPA to submit the draft plan to OPM for findings in the form of comments and recommendations, rather than giving OPM notice of the public hearing. The findings have to include a review of whether the draft is not inconsistent with the state Plan of C&D. The RPA must note on the record any inconsistencies and the reasons for them. The RPA must notify the OPM secretary of such inconsistencies in the adopted plan and the reasons for them.

The RPA must post the adopted plan on its website if it has one.

## **LOCAL PLANS OF C&D**

### ***Contents***

By law, a local planning commission must prepare or amend a Plan of C&D for its municipality every 10 years. The bill requires the plans to (1) identify where it is feasible and prudent to have mixed-use development patterns and land reuse that are compact, transit

accessible, pedestrian-oriented and (2) promote such patterns and reuse. The bill requires the commission to consider focusing development and revitalization in areas with existing or planned infrastructure in preparing the plan.

The bill requires the plans, in addition to their existing components, to provide for a system of thoroughfares, parkways, bridges, streets, sidewalks, and other public ways as appropriate, rather than just including the commission's recommendations for these facilities. It requires the commission, in developing the plan, to consider the protection and preservation of agriculture in addition to other factors it must consider. It allows the plan to include the commission's recommendations for corridor management areas and proposed priority funding areas (described below).

By law, the plan must include the commission's recommendations for how the land in the municipality should be used. The bill requires that the plan include a map with such proposed uses. It also specifically allows the plan to include the commission's recommendations regarding the location, relocation, and improvement of schools (a provision that already applies to public buildings).

Under current law, the local commission must note any inconsistencies with the state Plan of C&D. The bill instead requires the commission to note any inconsistencies with the six growth management principles listed above.

The bill specifies that any inconsistencies between a local plan of C&D and the growth management principles, or the regional or state plans of C&D, shall not be cause for denying a state environmental permit.

### ***Adoption Process***

By law, the local commission must hold a hearing on the plan. The bill requires that the commission submit the plan to the RPA 35, rather than 65, days before the hearing on adopting the plan. It also requires the commission to post the draft plan on the municipality's website (if there is one) by that deadline. The bill requires the RPA's advisory report back to the commission to include findings regarding the local plan's consistency with the state Plan of C&D, the regional plan of development, and the local plans of C&D of other municipalities in the RPA's area. The commission may revise the draft plan in accordance

with the RPA's report, but may make a decision on the plan without the report.

The bill explicitly allows the commission to revise its plan in accordance with the RPA's report.

The bill changes the points where the legislative body receives and endorses the plan. Under current law:

1. the commission must submit the plan to the municipality's legislative body for its review at least 65 days before the public hearing,
2. the legislative body may hold a hearing on the plan at this stage and submit its comments to the commission before the commission hearing on the plan's adoption,
3. the legislative body tacitly approves the plan if it fails to report before by the hearing date, and
4. the legislative body may hold a hearing on the adopted plan and then adopt a resolution endorsing it.

Instead, the bill allows the commission to revise its draft plan after its public hearing and requires that the proposed final plan be submitted to the legislative body for its endorsement. The legislative body must endorse or reject the plan or parts of it. It may submit comments and recommended changes to the commission.

In towns where the town meeting is the legislative body, the proposed final plan goes to the board of selectmen, which may hold a hearing on it. The town meeting may endorse or reject the plan or parts of it within 45 days of receiving it and submit comments and recommendations on it.

By law, even if the legislative body does not endorse all or part of the plan, the commission can still adopt it by a vote of at least two-thirds of its members.

Under the bill, once the plan is adopted, it must be posted on the municipality's website (if there is one). The commission must notify the OPM secretary of any inconsistencies between the final plan and

the state Plan of C&D and the reasons for them.

### ***Requested Amendments***

The bill allows any property owner or tenant in the municipality, or his agent, to submit a proposal to change the plan to the commission. The proposal must be in writing and on a form prescribed by the commission. The commission must decide whether to hold a hearing on the proposal within 35 of receiving it. It must hold a hearing if it determines that it is in the public interest.

The commission must approve, deny, or modify the proposal by the deadline that already applies to other petitions (usually 65 days after the hearing ends). If the commission determines at any time that the proposal would be a significant change to the policies and goals of the local plan, it must consider the proposal in the same way it considers plan revisions, as discussed above.

## **PRIORITY FUNDING AREAS**

### ***Designation***

Under the bill, the OPM secretary must develop recommendations for setting and revising boundaries for priority funding areas. He must consult with RPAs and the economic and community development, environmental protection, public works, agriculture, and transportation commissioners in doing this.

In making his recommendations, the secretary must consider:

1. regional centers, growth areas, neighborhood conservation areas, and rural community centers as designated in the state Plan of C&D;
2. redevelopment areas, distressed municipalities, targeted investment communities, public investment communities, and enterprise zones; and
3. corridor management areas identified in the state Plan of C&D.

The secretary must submit his recommendations to the Continuing Legislative Committee on State Planning and Development for its



review in conjunction with its review of the state Plan of C&D. (The last version of the plan was approved in March 2005; the next approval will take place in 2010.) The boundaries of the priority funding areas become effective upon the approval of the legislature.

Once the areas are designated, each state agency and department must review its regulations and modify them to carry out coordinated management of growth-related projects in priority funding areas. Each agency, department, and institution must cooperate with municipalities to ensure that programs and activities in rural areas sustain village character.

### ***State Funding for Growth-Related Projects***

Once the boundaries are established, state agencies, departments, and institutions generally cannot provide funding for growth-related projects outside of the priority funding areas. Funding includes any form of assurance, guarantee, grant, credit, tax credit, loan, loan guarantee, or reduction in the principal or interest rate on all or part of a loan.

Growth-related projects are those that include:

1. acquisition of real property, other than open space for conservation or preservation purposes, with an acquisition cost over \$100,000;
2. development or improvement of real property where the development costs exceed \$100,000; and
3. acquisition of public transportation facilities or equipment costing more than \$100,000.

Growth-related projects also include the authorization of state grants of more than \$100,000, if the grant application is not pending on July 1, 2006, to (1) acquire, develop, or improve real property or (2) acquire public transportation equipment or facilities.

Any project, funding, or other state assistance, other than described above, is not subject to the financing restrictions. In addition, grant programs are not subject to the restrictions if the grant is for:

1. school construction projects funded by the Department of

Education;

2. maintaining, repairing, adding to, or renovating existing facilities;
3. acquiring land for telecommunications towers whose primary purpose is public safety;
4. parks, conservation, and open space;
5. acquiring agricultural, conservation, and historic easements;
6. housing that the economic and community development commissioner determines will promote fair housing choice and racial and economic integration; and
7. projects at an existing facility needed to comply with state environmental or health standards.

In addition, grant funding by the Department of Economic and Community Development (DECD) is not considered a growth-related project under certain circumstances. To be exempt, the grant must be used for a project (1) financed with federal funds to purchase or rehabilitate existing single or multifamily housing or (2) financed by revenue bonds. In addition, the DECD commissioner must determine that applying these provisions would (1) conflict with state or federal law regarding the issuance or tax-exempt status of bonds or a provision of a trust agreement between DECD and trustees or (2) prohibit financing of an existing project or financing provided to cure or prevent a default under existing financing.

### ***Funding Projects Outside of Priority Funding Areas***

State funding of growth-related projects is allowed outside of priority funding areas if the head of the funding agency, with OPM approval, determines that it is consistent with the local Plan of C&D and that the project:

1. enhances other activities targeted by state agencies, departments, or institutions to a municipality within a priority funding area;
2. is located in a distressed municipality, targeted investment community, or public investment community;

3. supports existing neighborhoods or communities;
4. promotes the use of mass transit;
5. provides for mixed-use development patterns and land reuse that is compact, transit accessible, and pedestrian-oriented, and promotes such patterns and land reuse;
6. has no reasonable alternate site in a priority funding area;
7. must be located away from other developments due to its operational or physical characteristics; or
8. is for the reuse or redevelopment of an existing site.

The bill also allows for funding if the extreme inequity, hardship, or disadvantage of not funding the projects clearly outweigh the benefits of locating the project within such areas.

Within one year after the areas are designated and annually thereafter, every department, agency, and institution must prepare a report that describes grants for growth-related projects made under these provisions.

## **BACKGROUND**

### ***Legislative History***

The House referred the bill (File 91) to the Environment Committee on April 5. On April 11, the committee reported a substitute that added the provision that any inconsistencies between a local plan of C&D and the six growth management principles, or the regional or state plans of C&D shall not be cause for denying a state environmental permit.

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 11      Nay 4

Environment Committee

Joint Favorable Substitute  
Yea 22      Nay 2